

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

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|--|---|-----------------------|
| Jerod J. Cook, # 282755, |) | C/A No. 5:14-4763-RMG |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | ORDER |
| |) | |
| Warden, Kirkland Correctional Institution, |) | |
| |) | |
| Respondent. |) | |
| _____ |) | |


This case is before the Court because of Petitioner's failure to comply with the magistrate judge's Order of December 29, 2014. ECF No. 6.

A review of the record indicates that the magistrate judge ordered Petitioner to submit financial information needed to render this case into proper form within twenty-one days, and specifically informed Petitioner that if he failed to do so, this case would be dismissed *without prejudice*. *Id.* The court has not received any response from Petitioner other than a brief letter indicating a desire not to pursue this habeas-corpus case, ECF No. 9, and the time for his compliance with the initial Order has passed.

Petitioner's lack of response to the Order, coupled with the contents of his letter to court, indicates intent to not continue prosecuting this case and subjects this case to dismissal. *See* Fed. R. Civ. P. 41(b) (district courts may dismiss an action if a litigant fails to comply with "any order of the court"); *see also Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989) (dismissal with prejudice appropriate where warning given); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982) (court may dismiss *sua sponte*).

Accordingly, this case is dismissed *without prejudice*. The Clerk of Court shall close the file.¹

IT IS SO ORDERED.


Richard M. Gergel
United States District Judge

Charleston, South Carolina
February 19, 2015

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.

¹ If Petitioner wishes to bring this action in the future, he should obtain new forms for doing so from the Clerk's Office in Columbia (901 Richland Street, Columbia, South Carolina 29201).